

REMARKS/ARGUMENTS

The Examiner has now rejected claims 1, 3, 6, 7, 9, 10, 34-39, 43 and 44 under 35 U.S.C. § 102(e) as being anticipated by a new reference, namely U.S. Patent No. 6,741,578 to Moon et al. ("Moon"). The Applicant has carefully considered the Examiner's rejections and new reference, but respectfully disagrees with the Examiner because Moon fails to teach or suggest many of the claimed features.

Claim 1 concerns a method of transmitting information in an unsynchronized Orthogonal Frequency Division Multiplexing (OFDM) communication network. In contrast, Moon concerns synchronizing channels in a Wideband Code Division Multiple Access (W-CDMA) communication system and therefore, at the very outset, diverges from the subject matter of the present application. As the Applicant pointed out in the previous response with respect to the Morita Reference, which concerned CDMA systems, those skilled in the art will appreciate that CDMA varies substantially from OFDM. W-CDMA also varies substantially from OFDM. While CDMA may apply some aspects of OFDM, the two are not the same. In fact, nowhere in Moon does Moon even mention the term OFDM or frequency division multiplexing. Since Moon is concerned with CDMA systems, Moon is not focused on the same subject matter recited in claim 1. OFDM has a very specific meaning to those skilled in the art, and Moon does not teach or suggest OFDM. Since claim 1 specifically recites OFDM, Moon already fails to teach or suggest all of the features recited in claim 1, and the rejection must be withdrawn.

A claim is anticipated if, and only if, each and every element set forth in the claim is either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). All elements of the claim must be shown in the single reference, *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As noted in *Richardson v. Suzuki*, 15 USPQ2d 1913 (cited at MPEP 2131.01), "The identical invention must be shown in as complete detail as is contained in the claim."

Claim 1 recites, *inter alia*, modulating access channel information onto a predetermined initial access channel of an OFDM communications signal, wherein the access channel information comprises a common synchronization code that is common to each of the plurality of base stations and a cell-specific synchronization code that is orthogonal to the common synchronization code and unique to each base station.

Even if Moon disclosed OFDM, which Moon does not, Moon still fails to teach or suggest the claimed subject matter. The Examiner points to the primary synchronization code of Moon as the claimed common synchronization code and the Examiner points to the secondary synchronization code of Moon as the claimed cell-specific synchronization code. Even if the primary synchronization code of Moon was similar to the claimed common synchronization code, with which the Applicant disagrees, and even if the secondary synchronization code of Moon was similar to the claimed cell-specific synchronization code, with which the Applicant disagrees, claim 1 recites that both the common synchronization code and the secondary synchronization code are part of the access channel information on the predetermined initial access channel of an OFDM communications signal. In other words, the claimed common synchronization code and the cell specific synchronization code are on the same channel. Moon teaches in a direction completely contrary to this by stating that the primary sync code is transmitted on a primary sync channel and the secondary sync code is transmitted on a secondary sync channel (i.e., different channels).

Therefore, Moon: (a) fails to teach or suggest the features as recited in claimed 1 and further (b) teaches in the opposite direction to the subject matter claimed in claim 1.

In summary, it is submitted that claim 1 is patentable over Moon because Moon fails to teach or suggest all of the features recited in claim 1, according to the arrangement recited by claim 1. Independent claims 34, 43, and 45 recite similar features and are patent over Moon for the same reasons. Claims 3, 6, 7, 9, 10, 35, 37, 38, 39, 44, and 46 depend, either directly or indirectly, from claims 1, 34, 43 and 45 and are patentable for the same reasons.

Applicant is concerned to advance this application as quickly as is reasonably possible. Accordingly, Applicant respectfully requests that, in the event the Examiner has any further questions about this application, the Examiner call Applicant's attorney at the number provided below.

Applicant requests that any questions concerning this matter be directed to the undersigned at 416-216-4020.

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